

MHR *Connections*

Published by the Manitoba Human Rights Commission

Volume 11 Number 9

September 2011



Robin Dwarka accepting her award. She was nominated by the Hi Life Steel Orchestra

Human Rights Commissioner recognized for her dedication

The Council of Caribbean Organizations of Manitoba (CCOM) recognized several community members between the ages of 25 and 45, for their contributions to the development of the Caribbean community at its 30th anniversary banquet on Saturday September 24th.

Robin Dwarka, one of the Commissioners at the Manitoba Human Rights Commission, was one of the award recipients. She has been part of the steel band community for many years and has volunteered in various capacities for the Council of the Caribbean Organizations of Manitoba. She is the Director of Finance for Legal Aid and a founding member of Manitoba Pan Handlers, a local steel band.

"It was an honour to be recognized by the Caribbean community for something I love doing," said Ms Dwarka.

The award recipients were nominated by member organizations of CCOM and recognized for their dedication, contributions and commitment to the CCOM and the wider community.

Also recognized were Amanda Benson, Patricia Eko-Davis, Candace Fardoe, Stacy Felix, La-Toya Gibbons, and Sheri Jack. According to the CCOM, these young professionals represent the future and possess a cross-section of education, skills and experience.

The CCOM is the umbrella organization for the Island nations and its membership is composed of those organizations that make up the local Caribbean-oriented community including such countries as Trinidad and Tobago, Jamaica, Grenada, St. Vincent and the Grenadines.

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

www.manitoba.ca/hrc

The Rights Connection by Jerry Woods, Chairperson

Where to begin? Since the media ran the story about Air Canada's decision to move its crews from downtown hotels to ones closer to the airport, blogs, tweets and Facebook comments have been rampant. Some people argue that Winnipeg downtown is not safe and wonder what the fuss is about. Others believe that our city's image has been tarnished and we must defend it. Some argue about numbers.

I will begin here. Winnipeg is not as safe as it should be. Our image has been tarnished. Numbers will always be used to benefit one argument over another. But here's the thing. This is not what we should be discussing. In fact, as soon as an Air Canada memo connected 1,000 rural people who had been displaced by recent devastating floods (i.e. "environmental issues") to crime in Winnipeg, the conversation should have been about systemic discrimination, or in this specific case, systemic racism. Remember that the very next sentence of the memo reads, "Instances of public intoxication resulting in several downtown locations being susceptible to crimes of violence and opportunity have been observed by the police."

So what we have here is a group of people who came to Winnipeg to escape flooding. We all know that these are our Aboriginal guests who have come here because of the devastation to their homes. Most only want to return. And yet the less than 100 individuals who remain here are separated by only a period at the end of a sentence to intoxication, crime and violence in Winnipeg.

We should be blogging, tweeting and commenting on systemic discrimination, which occurs when attitudes, policies or procedures have a discriminatory affect on a specific group of people. These attitudes are based on assumptions but not facts. We know systemic discrimination exists, and now our Aboriginal visitors are facing it. These attitudes, policies and practices concerning disabilities, religions, gender, sexual orientation, age, and race continue to mirror the misinformed assumptions that have plagued Canada throughout its history.

Yes. Rail against violence and defend your city. But most importantly, recognize systemic racism and let Air Canada know that you understand what it is and will not support a company that does not.

Human Rights Board can provide direction in settlement offers

It is not surprising that very few people understand the role of the Board at the Human Rights Commission. In addition to determining whether a complaint has merit or should be dismissed, *The Code* specifically calls for the Board to determine if a settlement offer made by the respondent is reasonable. If it is reasonable, and the Complainant refuses to accept it, the Commission will terminate the complaint and there will be no hearing.

But what happens if the Board thinks that the offer is almost reasonable, but not quite?

For many years the Board has taken the position that it can provide some direction to the respondent as to how the offer might be clarified or changed to make it reasonable. Recently, this practice was the basis of a judicial review application brought by a complainant who argued that the Board must review an offer "as is" and determine whether or not it is reasonable. The Board had provided the respondent with some direction and when the respondent presented its offer, the complainant refused to accept it. The case was then terminated by the Commission.

In her written decision, Justice Simonsen of the Manitoba Court of Queen's Bench agreed with the Commission's Legal Counsel Isha Khan that when assessing the reasonableness of a settlement offer, it is well within the Board's role to provide some direction to the parties. This, she wrote, could facilitate a resolution of the complaint, without the need for a hearing.

"It is reasonable that in assessing the offer, the Board may identify gaps, defects or omissions and provide some constructive direction or clarification to the parties as to how these gaps, defects or omissions might be remedied to render the offer reasonable. To find otherwise would significantly impede the Commission's ability to perform," she wrote.

The complete decision is on the Commission's website www.manitobahumanrights.ca

Change to disabled parking permits eliminates differential treatment

Earlier this year, the Commission entered into discussions with the Province regarding attempts by an individual to obtain a disability parking permit.

The concern was that individuals with disabilities who do not require the use of a mobility aid could not get a parking permit. In May of 2011, the Province passed amendments to the *Physically Disabled Persons Parking Regulation* which have now expanded the range of sources of corroborating information that may be relied upon when applying for a permit. This eliminated any differential treatment between those with mobility aids and those without such aids.

21st Annual Persons Day Breakfast

In support of the Women's Legal Education and Action Fund (LEAF)

Topic: "Human Trafficking: Confronting A Threat to Women's Rights in Canada and Abroad"

Winnipeg Convention Centre, 375 York Avenue

Friday, October 21, 7:15 - 9:00 a.m.

Keynote Speakers: Professor Benjamin Perrin-UBC

Faculty of Law Author of *Invisible Chains: Canada's Underground World of Human Trafficking* and

Diane Redsky - An aboriginal community leader instrumental in the development of resources for sexually exploited youth

Tickets: McNally Robinson Booksellers /

LEAF Manitoba 453-1379 / Manitoba Status of Women 945-6281

2011 Commitment Award focuses on inclusive workplaces

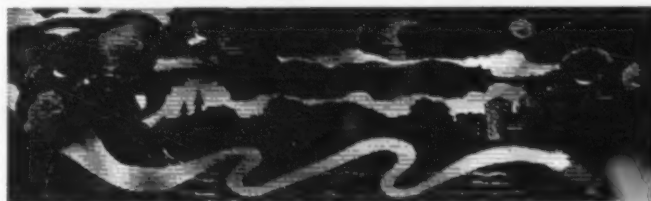
The Manitoba Human Rights Commission has announced that the 2011 Human Rights Commitment Award of Manitoba will recognize those employers or unions who have demonstrated a commitment to human rights resulting in an inclusive and diverse workplace. The recipients will be honoured on December 8, 2011.

Every year, for International Human Rights Day, the Manitoba Human Rights Commission and its partners, the Canadian Human Rights Commission and the Manitoba Association for Rights and Liberties acknowledge human rights work that has advanced the rights of Manitobans.

Young people are also recognized for their human rights work. The 2011 Sybil Shack Human Rights Youth Award has a wider scope and is given to a youth group or young person who has promoted respect for human rights and fundamental freedoms.

Nomination forms and the criteria for both these awards will be posted on the Commission's website in the coming days.

Mark your calendar for a National Human Rights Conference



Graffiti Gallery, artists Chad Reeves and Fred Thomas

Are we there yet?

It is said that the evolution of human rights is a journey.

The question is, are we getting closer to the destination?

Join us at the Canadian Association of Statutory Human Rights Agencies (CASHRA) 2012 Conference. More details in coming months.

● June 17 - 19, 2012 ● Winnipeg, Manitoba